

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-02220-APM**

ENVIRONMENTAL DEFENSE FUND v. UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
Assigned to: Judge Amit P. Mehta
Cause: 05:552 Freedom of Information Act

Date Filed: 10/26/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**ENVIRONMENTAL DEFENSE FUND**

represented by **Hassan A. Zavareei**
TYCKO & ZAVAREEI, LLP
1828 L Street, NW
Suite 1000
Washington, DC 20036
(202) 973-0900
Fax: (202) 973-0950
Email: hzavareei@tzlegal.com
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY**

represented by **Paul Cirino**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2529
Fax: (202) 252-2599
Email: paul.cirino@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joshua M. Kolsky
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2541
Fax: (202) 252-2599
Email: joshua.kolsky@usdoj.gov
TERMINATED: 12/18/2018

Date Filed	#	Docket Text
10/26/2017	<u>1</u>	COMPLAINT against UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Filing fee \$ 400 receipt number 0090-5177497) filed by ENVIRONMENTAL DEFENSE FUND. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons)(Zavareei, Hassan) (Entered: 10/26/2017)
10/30/2017		Case Assigned to Judge Amit P. Mehta. (zsb) (Entered: 10/30/2017)
10/30/2017	<u>2</u>	SUMMONS (1) Issued Electronically as to UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 10/30/2017)
10/30/2017		SUMMONS Not Issued as to U.S. Attorney and U.S. Attorney General.....SUMMONS NOT FILED AT THE TIME COMPLAINT WAS FILED. (zsb) (Entered: 10/30/2017)

11/14/2017	<u>3</u>	REQUEST FOR SUMMONS TO ISSUE re Summons Not Issued filed by ENVIRONMENTAL DEFENSE FUND. Related document: Summons Not Issued. (Attachments: # <u>1</u> Summons)(Zavareei, Hassan) (Entered: 11/14/2017)
11/15/2017	<u>4</u>	SUMMONS (2) Issued Electronically as to U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 11/15/2017)
12/18/2017	<u>5</u>	NOTICE of Appearance by Joshua M. Kolsky on behalf of UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Kolsky, Joshua) (Entered: 12/18/2017)
12/18/2017	<u>6</u>	ANSWER to Complaint by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.(Kolsky, Joshua) (Entered: 12/18/2017)
12/19/2017	<u>7</u>	MINUTE ORDER. Both a Complaint and an Answer are now before the court in this FOIA case. It is hereby ordered that the parties shall meet and confer and file a Joint Status Report on or before January 10, 2018. The Joint Status Report shall include: (1) the status of Plaintiff's FOIA request; (2) the anticipated number of documents responsive to Plaintiff's FOIA request; (3) the anticipated date(s) for release of the documents requested by Plaintiff; (4) whether a motion for stay is likely under Open America v. Watergate Special Prosecution Force, 547 F.2d 605 (D.C. Cir. 1976); and (5) whether the parties anticipate summary judgment briefing and, if so, a proposed briefing schedule. Signed by Judge Amit P. Mehta on 12/19/2017. (lcapm2) (Entered: 12/19/2017)
12/20/2017		Set/Reset Deadlines/Hearings: Joint Status Report due by 1/10/2018. (zcdw) (Entered: 12/20/2017)
01/10/2018	<u>8</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Kolsky, Joshua) (Entered: 01/10/2018)
01/12/2018		MINUTE ORDER. The parties shall file a Joint Status Report updating the court on the status of Defendant's search and production efforts on or before February 9, 2018. Signed by Judge Amit P. Mehta on 1/12/2018. (Entered: 01/12/2018)
01/12/2018		Set/Reset Deadlines/Hearings: Joint Status Report due by 2/9/2018. (zcdw) (Entered: 01/15/2018)
02/09/2018	<u>9</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Kolsky, Joshua) (Entered: 02/09/2018)
02/13/2018		MINUTE ORDER. The parties shall appear for a Status Conference on February 21, 2018, at 10 a.m. in Courtroom 10. In the event counsel or a party is unable to appear at the scheduled time due to an unresolvable scheduling conflict, counsel shall meet and confer and provide, via e-mail, two alternative dates and times to the Courtroom Deputy Clerk, Ms. Chashawn White (Chashawn_White@dcd.uscourts.gov), who shall reset the Status Conference and provide notice to the parties. Signed by Judge Amit P. Mehta on 2/13/2018. (lcapm2) (Entered: 02/13/2018)
02/13/2018		Set/Reset Deadlines/Hearings: Status Conference set for 2/21/2018 at 10:00 AM in Courtroom 10 before Judge Amit P. Mehta. (zcdw) (Entered: 02/14/2018)
02/20/2018		Set/Reset Deadlines/Hearings: Status Conference reset for 3/1/2018 at 2:00 PM in Courtroom 10 before Judge Amit P. Mehta. (zcdw) (Entered: 02/20/2018)
03/01/2018		Minute Entry for proceedings held before Judge Amit P. Mehta: Status Conference held on 3/1/2018. Next status conference hearing date set for 4/9/2018 at 2:00 PM. (Court Reporter: Lisa Griffith.) (jl) (Entered: 03/01/2018)
04/09/2018		MINUTE ORDER. Pursuant to the discussion that took place at the Status Conference on April 9, 2018, the parties shall file a Joint Status Report updating the court on the search and production efforts in this case on or before June 8, 2018. Signed by Judge Amit P. Mehta on 4/9/2018. (lcapm2) (Entered: 04/09/2018)
04/09/2018		Minute Entry for proceedings held before Judge Amit P. Mehta: Status Conference held on 4/9/2018. (Court Reporter: William Zaremba) (zcdw) (Entered: 04/11/2018)

04/27/2018	<u>10</u>	<p>TRANSCRIPT OF STATUS ONFERENCE HEARING PROCEEDINGS before Judge Amit P. Mehta held on April 9, 2018; Page Numbers: 1–21. Date of Issuance: April 27, 2018. Court Reporter/Transcriber: William Zaremba; Telephone number: (202) 354–3249. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased fro m the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, PDF or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 5/18/2018. Redacted Transcript Deadline set for 5/28/2018. Release of Transcript Restriction set for 7/26/2018.(wz) (Entered: 04/27/2018)</p>
06/08/2018	<u>11</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Kolsky, Joshua) (Entered: 06/08/2018)
06/11/2018		MINUTE ORDER. In light of the parties' <u>11</u> Joint Status Report, the parties are directed to file another Joint Status Report on or before August 7, 2018, that updates the court on the search and production efforts in this case. Signed by Judge Amit P. Mehta on 6/11/2018. (lcapm2) Modified to correct typographical error on 6/11/2018 (zjd). (Entered: 06/11/2018)
06/11/2018		Set/Reset Deadlines: Joint Status Report due by 8/7/2018. (zjd) (Entered: 06/11/2018)
08/07/2018	<u>12</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Kolsky, Joshua) (Entered: 08/07/2018)
09/27/2018		MINUTE ORDER. The parties shall file their next Joint Status Report that updates the court on search and production efforts in this case no later than October 23, 2018. Signed by Judge Amit P. Mehta on 9/27/2018. (lcapm2) (Entered: 09/27/2018)
09/27/2018		Set/Reset Deadlines: Joint Status Report due by 10/23/2018. (zjd) (Entered: 09/28/2018)
10/23/2018	<u>13</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Kolsky, Joshua) (Entered: 10/23/2018)
10/30/2018		MINUTE ORDER. The court appreciates the parties' comprehensive and clear Joint Status Report filed on October 23, 2018. The parties shall submit their next Joint Status Report no later than December 19, 2018, updating the court on Defendant's search and production efforts. In the next Joint Status Report, Defendant shall estimate a date by which it anticipates completing production of responsive records. Signed by Judge Amit P. Mehta on 10/30/2018. (lcapm2) (Entered: 10/30/2018)
10/30/2018		Set/Reset Deadlines: Joint Status Report due by 12/19/2018. (zjd) (Entered: 10/31/2018)
11/13/2018	<u>14</u>	NOTICE <i>Regarding Changes to Production Schedule</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Kolsky, Joshua) (Entered: 11/13/2018)
11/14/2018		MINUTE ORDER. In light of the Defendant's Notice, the deadline of December 19, 2018, for the parties' next Joint Status Report is hereby vacated. The parties shall file their next Joint Status Report by February 8, 2019, and advise whether summary judgment briefing will be required in this matter and, if so, propose a briefing schedule. Signed by Judge Amit P. Mehta on 11/14/2018. (lcapm2) (Entered: 11/14/2018)
11/14/2018		Set/Reset Deadlines: Joint Status Report due by 2/8/2019. (zjd) (Entered: 11/19/2018)

12/18/2018	<u>15</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Paul Cirino on behalf of UNITED STATES ENVIRONMENTAL PROTECTION AGENCY Substituting for attorney Joshua M. Kolsky (Cirino, Paul) (Entered: 12/18/2018)
02/08/2019	<u>16</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Cirino, Paul) (Entered: 02/08/2019)
02/08/2019		MINUTE ORDER. The parties shall file an additional Joint Status Report by March 15, 2019, updating the court on production efforts and, if necessary, proposing a briefing schedule. Signed by Judge Amit P. Mehta on 2/8/2019. (lcapm2) (Entered: 02/08/2019)
02/08/2019		Set/Reset Deadlines: Joint Status Report due by 3/15/2019. (zjd) (Entered: 02/14/2019)
03/15/2019	<u>17</u>	Joint STATUS REPORT by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Cirino, Paul) (Entered: 03/15/2019)
03/18/2019		MINUTE ORDER. The parties shall file an additional Joint Status Report no later than April 5, 2019, which advises whether further litigation will be required in this matter and, if so, proposes a briefing schedule. Signed by Judge Amit P. Mehta on 3/18/2019 (lcapm2) (Entered: 03/18/2019)
03/18/2019		Set/Reset Deadlines: Joint Status Report due by 4/5/2019. (zjd) (Entered: 03/22/2019)
04/05/2019	<u>18</u>	Joint STATUS REPORT <i>and Proposed Briefing Schedule</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY. (Cirino, Paul) (Entered: 04/05/2019)
04/09/2019	<u>19</u>	ORDER setting the schedule for further proceedings in this matter: (1) Defendants' Motion for Summary Judgment shall be filed on or before June 7, 2019; (2) Plaintiff's Cross-Motion for Summary Judgment and Opposition to Defendants' Motion for Summary Judgment shall be filed on or before July 22, 2019; (3) Defendants' Reply and Opposition to Plaintiffs Motion for Summary Judgment shall be filed on or before August 21, 2019; and (4) Plaintiff's Reply shall be filed on or before September 10, 2019. See attached Order for additional details. Signed by Judge Amit P. Mehta on 4/9/2019. (lcapm2) (Entered: 04/09/2019)
04/09/2019		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 6/7/2019. Plaintiff's Cross-Motion and Opposition due by 7/22/2019. Defendant's Opposition and Reply due by 8/21/2019. Plaintiff's Reply due by 9/10/2019. (zjd) (Entered: 04/09/2019)
06/04/2019	<u>20</u>	Joint MOTION to Extend Briefing Schedule by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 06/04/2019)
06/05/2019	<u>21</u>	ORDER granting <u>20</u> Joint Motion to Extend Briefing Schedule. The court orders the following with regard to further proceedings in this matter: Defendants' Motion for Summary Judgment shall be filed on or before July 5, 2019; Plaintiff's Cross-Motion for Summary Judgment and Opposition to Defendants' Motion for Summary Judgment shall be filed on or before August 5, 2019; Defendants' Reply and Opposition to Plaintiff's Motion for Summary Judgment shall be filed on or before September 6, 2019; and Plaintiff's Reply shall be filed on or before September 17, 2019. See attached Order for additional details. Signed by Judge Amit P. Mehta on 6/5/2019. (lcapm2) (Entered: 06/05/2019)
06/05/2019		Set/Reset Deadlines: Defendants' Motion for Summary Judgment due by 7/5/2019. Plaintiff's Cross-Motion for Summary Judgment and Opposition due by 8/5/2019. Defendants' Reply and Opposition due by 9/6/2019. Plaintiff's Reply due by 9/17/2019.(zjd) (Entered: 06/06/2019)
07/05/2019	<u>22</u>	Consent MOTION for Extension of Time to File <i>Summary Judgment Motion</i> by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Cirino, Paul) (Entered: 07/05/2019)
07/08/2019	<u>23</u>	ORDER granting <u>22</u> Motion for Extension of Time to File Summary Judgment Motion. The court orders the following with regard to further proceedings in this matter: Defendants' Motion for Summary Judgment shall be filed on or before July 11, 2019; Plaintiff's Cross-Motion for Summary Judgment and Opposition to Defendants' Motion for Summary Judgment shall be filed on or before August 12, 2019;

		Defendants' Reply and Opposition to Plaintiff's Motion for Summary Judgment shall be filed on or before September 12, 2019; and Plaintiff's Reply shall be filed on or before September 23, 2019. See attached Order for additional details. Signed by Judge Amit P. Mehta on 7/8/2019. (lcapm2) (Entered: 07/08/2019)
07/08/2019		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 7/11/2019. Plaintiff's Cross Motion and Opposition due by 8/12/2019. Defendant's Reply and Opposition due by 9/12/2019. Plaintiff's Reply due by 9/23/2019.(zjd) (Entered: 07/08/2019)
07/11/2019	<u>24</u>	MOTION for Summary Judgment by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Elizabeth White, # <u>3</u> Exhibit A to White Declaration (Vaughn Index), # <u>4</u> Exhibits B, C & D to White Declaration, # <u>5</u> Statement of Facts, # <u>6</u> Text of Proposed Order)(Cirino, Paul) (Entered: 07/11/2019)
08/08/2019	<u>25</u>	Consent MOTION for Extension of Time to <i>File Cross–Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment</i> by ENVIRONMENTAL DEFENSE FUND (Attachments: # <u>1</u> Text of Proposed Order)(Zavareei, Hassan) (Entered: 08/08/2019)
08/09/2019		MINUTE ORDER granting <u>25</u> Motion for Extension of Time to File Cross–Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment. The schedule for briefings in this matter is adjusted as follows: Plaintiff's Cross–Motion for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment shall be filed by August 26, 2019; Defendant's Reply and Opposition to Plaintiff's Cross–Motion for Summary Judgment shall be filed by October 2, 2019; and Plaintiff's Reply shall be filed by October 16, 2019. Signed by Judge Amit P. Mehta on 8/9/2019 (lcapm2) (Entered: 08/09/2019)
08/09/2019		Set/Reset Deadlines: Plaintiff's Cross Motion and Opposition due by 8/26/2019. Defendant's Reply and Opposition due by 10/2/2019. Plaintiff's Reply due by 10/16/2019.(zjd) (Entered: 08/12/2019)
08/26/2019	<u>26</u>	Cross MOTION for Summary Judgment by ENVIRONMENTAL DEFENSE FUND (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Text of Proposed Order)(Zavareei, Hassan) (Entered: 08/26/2019)
08/26/2019	<u>27</u>	Memorandum in opposition to re <u>24</u> MOTION for Summary Judgment filed by ENVIRONMENTAL DEFENSE FUND. (Attachments: # <u>1</u> Exhibit A (Pl's Annotated Vaughn Index), # <u>2</u> Exhibit B (Pl's Table of Documents), # <u>3</u> Exhibit C (Pl's Resp. to Stmt of Facts), # <u>4</u> Exhibit D (Levitan Decl.))(Zavareei, Hassan) (Entered: 08/26/2019)
10/02/2019	<u>28</u>	Joint MOTION to Stay Briefing Schedule by UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Cirino, Paul) (Entered: 10/02/2019)
10/03/2019		MINUTE ORDER. Upon consideration of the <u>28</u> Joint Motion to Stay Briefing Schedule, and the entire record herein, it is ordered that the motion is granted. It is further ordered as follows: (1) The summary judgment briefing is hereby STAYED; (2) The parties shall meet and confer regarding the attachments recently identified by EPA; and (3) The parties shall file a Joint Status Report on November 14, 2019, updating the court on the progress of their discussions and proposing a schedule for further proceedings. Signed by Judge Amit P. Mehta on 10/03/2019. (lcapm2) (Entered: 10/03/2019)